THE HON'BLE SRI JUSTICE L. NARASIMHA REDDY

WRIT PETITION No. 21964 of 2005

DATED: 30.01.2006

Between:

Maguluru Murali.

... PETITIONER

AND

The Chairman and Managing Director and others

... RESPONDENTS

ORDER:

The petitioner and the 4th respondent submitted applications in response to a Notification, dated 29.06.2005, issued by M/s. Indian Oil Corporation Limited, for the purpose of establishment of a Kisan Seva Kendra (Diesel) Retail Outlet at Lingasamudam Village, Dakkili Mandal, Nellore District. Respondents 1 to 3 selected the 4th respondent as Dealer. The petitioner challenges the action of respondents 1 to 3. The main grievance of the petitioner is that he was not awarded suitable marks, in relation to Land & Infrastructure and Educational Qualifications. He contends that in both the aspects, he is far superior to the 4th respondent and respondents 1 to 3 ought to have selected him.

In the counter affidavit filed on behalf of respondents 1 to 3, it is stated that the 4th respondent and the petitioner were awarded the same marks in relation to Land & Infrastructure, whereas the petitioner was awarded five marks more

than the 4th respondent, in relation to Educational Qualifications. It is represented that the 4th respondent scored more marks in relation to certain items, like business capability and extents of immovable properties.

Heard the learned counsel for the petitioner, the learned Standing Counsel for respondents 1 to 3 and the learned counsel for the 4th respondent.

The petitioner urged that whatever may have been the assessment of respondents 1 to 3 on various aspects, in the matter of Land & Infrastructure and Educational Qualifications, he ought to have been assessed superior to the 4th respondent. Apart from making specific averments in the counter affidavit, respondents 1 to 3 have made available the marks sheets prepared and maintained, in the context of assessing the relative merits of the petitioner and the 4th respondent. A perusal of the same discloses that in the matter of Land & Infrastructure, the petitioner and the 4th respondent were awarded 13 marks each. So far as the Educational Qualifications are concerned, the petitioner was awarded 15 marks, since he holds professional degree, whereas the 4th respondent was awarded 10 marks only, as he is a graduate. Thereby, the petitioner scored 5 marks more than the 4th respondent, in these aspects, put together. However, in the assessment on other parameters, the 4th respondent scored more marks. Out of a total of 85 marks, the 4th respondent scored 64 marks, whereas the petitioner scored 61 marks, on the average. Therefore, it cannot be said that any illegality has crept into the selection process.

Hence, the Writ Petition is dismissed. There shall be no order as to costs.

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30.01.2006

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